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of the State of California
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Supervising Deputy Attorney General
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Deputy Attorney General
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300 So. Spring Street, Suite 1702
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7 Attorneys for Complainant

8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 BILL GUS CHACHAKOS
106 N. Ontare Road
13 Santa Barbara, CA 93109

14 Pharmacist License No. RPH 23050

15 Respondent.

Case No. 2929

OAH No. L-2006080785

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Interim Executive Officer of the
22 Board of Pharmacy. This action was initially brought by former Executive Office Patricia F.
23 Harris solely in her official capacity. Complainant is represented in this matter by Bill Lockyer,
24 Attorney General of the State of California, by Barry G. Thorpe, Deputy Attorney General.

25 2. Bill Gus Chachakos (Respondent) is represented in this proceeding by
26 attorney Paul R. Burns, Esq., whose address is Law Offices of Paul R. Burns, 1114 State Street,
27 Ste. 213, Santa Barbara, CA 93101.

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3. On or about July 22, 1963, the Board of Pharmacy issued Pharmacist License No. RPH 23050 to Bill Gus Chachakos. The License expired on August 31, 2005, and has not been renewed.

JURISDICTION

4. Accusation No. 2929 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 18, 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2929 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2929. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2929, agrees that cause exists for discipline and hereby surrenders his Pharmacist License No. RPH 23050 for the Board's formal acceptance.

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1 9. Respondent understands that by signing this stipulation he enables the
2 Board to issue an order accepting the surrender of his Pharmacist License without further
3 process.

4 RESERVATION

5 10. The admissions made by Respondent herein are only for the purposes of
6 this proceeding, or any other proceedings in which the Board or other professional licensing
7 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

8 CONTINGENCY

9 11. This stipulation shall be subject to approval by the Board or its designee.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board may
11 communicate directly with the Board regarding this stipulation and settlement, without notice to
12 or participation by Respondent or his counsel. By signing the stipulation, Respondent
13 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
14 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
15 as its Decision and Order in this matter, the Stipulated Settlement and Disciplinary Order shall be
16 of no force or effect, and except for this paragraph, it shall be inadmissible in any legal action
17 between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 12. The parties understand and agree that facsimile copies of this Stipulated
20 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
21 and effect as the originals.

22 13. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the Board may, without further notice or formal proceeding, issue and enter the
24 following Order:

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ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 23050, issued to Respondent Bill Gus Chachakos is surrendered and accepted by the Board.

14. The surrender of Respondent's Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

15. Respondent shall lose all rights and privileges as a Pharmacist in California as of the effective date of the Board's Decision and Order.

16. Respondent shall cause to be delivered to the Board his wall license certificate on or before the effective date of the Decision and Order.

17. Respondent understands and agrees that he may not apply for licensure or petition for reinstatement in the State of California for a period of three (3) years from the effective date of the Decision and Order. Further, that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2929 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

18. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$4,200.00 prior to issuance of a new or reinstated license.

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DATED: Sept. 18th 2006

I have read and fully discussed with Respondent Bill Gus Chachakos the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: Sept. 18th 2006

PAUL R. BURNS, ESQ.
Attorney for Respondent

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board.

DATED: 9-21-01

BILL LOCKYER, Attorney General
of the State of California


BARRY C. THORPE
Deputy Attorney General
Attorneys for Complainant

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

BILL GUS CHACHAKOS
106 N. Ontare Road
Santa Barbara, CA 93109

Pharmacist License No. RPH 23050

Respondent.

Case No. 2929

OAH No. L-2006080785

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, as its Decision in this matter.

This Decision shall become effective on November 15, 2006.

It is so ORDERED October 16, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

Exhibit A
Accusation No. 2929

1 BILL LOCKYER, Attorney General
of the State of California
2 SHARON F. COHEN, R.N.
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8 **BEFORE THE**
BOARD OF PHARMACY
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2929

12 BILL G. CHACHAKOS
106 N. Ontare Road
13 Santa Barbara, CA 93109

A C C U S A T I O N

14 Pharmacist License No. RPH 23050

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
21 Consumer Affairs.

22 2. On or about July 22, 1963, the Board issued Pharmacist License No. RPH
23 23050 to Bill G. Chachakos (Respondent). The Pharmacist License was in full force and effect
24 at all times relevant to the charges brought herein and expired on August 31, 2005.

25 JURISDICTION

26 3. This Accusation is brought before the Board, under the authority of the
27 following laws. All section references are to the Business and Professions Code unless otherwise
28 indicated.

cc: Board

1 4. Section 4300 provides, in pertinent part, that every license issued by the
2 Board is subject to discipline, including suspension or revocation.

3 5. Section 4301 of the Code states:

4 “The board shall take action against any holder of a license who is guilty of
5 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
6 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
7 following:

8

9 (h) The administering to oneself, of any controlled substance, or the use of any
10 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
11 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
12 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
13 the public the practice authorized by the license.

14

15 (j) The violation of any of the statutes of this state or of the United States
16 regulating controlled substances and dangerous drugs.

17

18 (p) Actions or conduct that would have warranted denial of a license.

19 ”

20 6. Section 118, subdivision (b), of the Code provides that the suspension,
21 expiration, or forfeiture of a license shall not deprive the Board of jurisdiction to proceed with a
22 disciplinary action during the period within which the license may be renewed, restored, reissued
23 or reinstated.

24 7. Section 4060 of the Code states:

25 “No person shall possess any controlled substance, except that furnished to a
26 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished
27 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse
28 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This

1 section shall not apply to the possession of any controlled substance by a manufacturer,
2 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
3 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
4 and address of the supplier or producer.

5 Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
6 or a physician assistant to order his or her own stock of dangerous drugs and devices.”

7 8. Health and Safety Code section 11170 states: “No person shall prescribe,
8 administer, or furnish a controlled substance for himself.”

9 9. Health and Safety Code section 11171 states: “No person shall prescribe,
10 administer, or furnish a controlled substance except under the conditions and in the manner
11 provided by this division.”

12 10. Section 125.3 of the Code states, in pertinent part, that the Board may
13 request the administrative law judge to direct a licentiate found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 11. CONTROLLED SUBSTANCES

17 A. “Benzodiazepine,” is a Schedule IV controlled substance as designated by
18 Health and Safety Code section 11057, subdivision (d) and is categorized as a “dangerous drug”
19 pursuant to Business and Professions Code section 4022.

20 B. “Barbiturates,” are a Schedule IV controlled substance as designated by
21 Health and Safety Code section 11057, subdivision (d) and is categorized as a “dangerous drug”
22 pursuant to Business and Professions Code section 4022.

23 C. “Valium,” is the trade name for the chemical substance diazepam, a
24 benzodiazepam derivative. It is a Schedule IV controlled substance as designated by Health and
25 Safety Code section 11057, subdivision (d)(7) and is categorized as a “dangerous drug” pursuant
26 to Business and Professions Code section 4022.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Possession and Self Administration of a Controlled Substance)

3 12. Respondent is subject to disciplinary action under sections 4300, 4060,
4 and 4301 subdivisions (h), (j), and (p) of the Code, on the grounds of unprofessional conduct, for
5 violating Health and Safety Code sections 11170 and 11171, in that on or about December 26,
6 2003, Respondent possessed, furnished, and administered controlled substances to himself
7 without a prescription.

8 The facts and circumstances are as follows: On or about December 26, 2003,
9 Respondent was found unconscious in his residence. Respondent was transported to Santa
10 Barbara Cottage Hospital, in Santa Barbara, California, and admitted to the emergency room
11 physician that he took Valium without a prescription. A urine sample was taken from
12 Respondent. The urine toxicology screen results were positive for Benzodiazepines and
13 Barbiturates. Respondent did not have a prescription for these substances.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board issue a decision:

- 17 1. Revoking or suspending Pharmacist License No. RPH 23050, issued to
18 Bill G. Chachakos;
- 19 2. Ordering Bill G. Chachakos to pay the Board the reasonable costs of the
20 investigation and enforcement of this case, pursuant to Business and Professions Code section
21 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/29/06

P. J. Harris
PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
State of California
Complainant

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